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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/564,664	01/13/2006	Stefan Bachstein	4091.012	1697

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EXAMINER	
MCCLELLAND, KIMBERLY KEIL	
ART UNIT	PAPER NUMBER
1791	

NOTIFICATION DATE	DELIVERY MODE
05/19/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/564,664	BACHSTEIN, STEFAN	
	Examiner	Art Unit	
	KIMBERLY K. MCCLELLAND	1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 March 2010*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5,8,9,31 and 32* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5,8,9,31 and 32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *13 January 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Applicant is reminded they need to explicitly point out where support for all the newly claimed features comes from as required by MPEP 714.02 and 2163.06. See 37 CFR 1.111.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-5, 8-9, and 31-32 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The newly added claim language in independent claim 1 and claims 31-32 of gluing the adjacent product band and process foil directly to each other appears to be new matter. Applicant has not indicated where support for this limitation may be found. To the contrary, the current specification recites that the glue layer is intermediate the process foil and product band, and therefore not adjacent (paragraph 0024). Clarification is required.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-5, 8-9, and 31-32 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The newly added claim language of gluing the adjacent product band and process foil directly to each other is unclear. It is unclear how the product band and process foil may be adjacent and glued together. Is the glue between the product band and process foil (as recited in dependent claims 31-32)? Is the glue layer outside the product band/process foil to encapsulate the entire product band/process foil laminate? It is unclear how the product band and process foils may be adjacent AND the glue layer is between the product band and process foil. Clarification is required. For the purposes of examination, examiner assumes the term "adjacent" indicates the product band and process foil are glued together with a glue layer between the product band and process foil.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1-4, 8-9, and 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2004/0126597 to Cohen et al. as applied to claims 1-4 and 32 above, and further in view of U.S. Patent No. 7,063,768 to Tsujimoto et al.

8. With respect to claim 1, Cohen et al. discloses a laminate manufacturing process, including providing at least one continuous process foil (20) depositing a continuous, substantially non-polymeric semi-manufactured product band (16) adjacent to the process foil (20); sealing the semi-manufactured product band (16) with respect to the process foils (20) by gluing (18) said semi-manufactured product band directly to said process foils (20); depositing a hardenable synthetics (14) to the semi-manufactured product band (16); while providing a bonding between the synthetics and the semi-manufactured product band (see Figure 1A). However, Cohen et al. does not specifically disclose hardening the synthetics.

9. Tsujimoto et al. discloses a method of making laminates, including it is known in the art as equivalent to provide polymer layers as either a separate film, or by coating to form the layer (column 22, lines 44-56). It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the equivalent unhardened synthetic coating layer followed by a hardening step to form the laminate as taught by Tsujimoto et al. for the synthetics in hardened film form disclosed by Cohen et al.

10. As to claim 2, Cohen et al. discloses the step of depositing a second continuous process foil (12) on the hardenable synthetics (see Figure 1A).

11. As to claim 3, Cohen et al. discloses the step of introducing reinforcement material into the hardenable synthetics (15).

12. As to claim 4, Cohen et al. does not specifically disclose the step of calendaring by means of a calendar. Examiner notes the phrase "especially preferably immediately prior to the hardening step" does not further limit to the claim.

13. Tsujimoto et al. discloses a method of making laminates, including calendaring (4; See Figure 2). It would have been obvious to one of ordinary skill in the art to calendar the laminate of Cohen et al. as taught by Tsujimoto et al. The motivation would have been to provide a smooth surface on the laminate.

14. As to claim 8, Cohen et al. discloses the semi-manufactured product band, is practically not permeable with respect to the hardenable synthetics (e.g. aluminum foil; See paragraph 0038).

15. As to claim 9, Cohen et al. discloses the semi-manufactured product band is a metal band (e.g. aluminum foil; See paragraph 0038). Examiner notes the phrase "especially a coated metal band and/or a surface treated metal band" does not further limit the claim.

16. As to claim 31, Cohen et al. discloses dispensing gluing tape (18) as an intermediate later directly between the semi-manufactured product band and the process foil (See Figure 1A).

17. As to claim 32, Cohen et al. does not specifically disclose depositing fluid glue directly between the semi-manufactured product band and the process foil.

18. Tsujimoto et al. discloses a method of making laminates, including it is known in the art as equivalent to provide polymer layers as either a separate film, or by coating to form the layer (column 22, lines 44-56). It would have been obvious to one of ordinary

skill in the art at the time the invention was made to substitute the equivalent fluid polymer layer as taught by Tsujimoto et al. for the polymer in hardened film form disclosed by Cohen et al.

19. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2004/0126597 to Cohen et al. in view of U.S. Patent No. 7,063,768 to Tsujimoto et al. as applied to claims 1-4, 8-9, and 31-32 above, and further in view of U.S. Patent Application Publication No. 2003/0168158 to Kato.

20. With respect to claim 5, Cohen does not specifically disclose the space between the process foils and/or one process foil and the semi- manufactured product band is evacuated.

21. Kato discloses a film lamination method, including vacuum lamination (see paragraph 0065). It would have been obvious to one of ordinary skill in the art at the time the invention was made to perform the sealing step taught by Cohen with a vacuum laminator as discussed by Kato. The motivation would have been to prevent air bubbles and wrinkles from forming in the laminate.

Response to Arguments

22. Applicant's arguments with respect to claims 1-5, 8-9 and 31-32 have been considered but are moot in view of the new ground(s) of rejection. Applicant's remaining pertinent arguments are addressed below:

23. With respect to the previous objection to the drawings in the action filed 11/02/09, the objection to the drawings is withdrawn.

24. Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

25. In response to applicant's arguments regarding the arrangement of Cohen, these arguments are not persuasive. Examiner notes applicant has used the term "adjacent" to describe a relationship between the product band and process foil with a glue layer in between (claims 31-32). Therefore, Cohen reads on the same positional relationship of a product band (16) and process foil (20) next to each other with a glue layer (18) between (See Figure 1). Applicant states the arrangement of Cohen is "diametrically opposed" to the present invention without stating how it is different. The currently claimed invention requires an adhesive layer between the adjacent product band and process foil, which is similarly disclosed by Cohen. Therefore, no conflicting teachings are found.

26. As to applicant's argument that Cohen is drawn primarily to a laminate, and not a method of making a laminate, this argument is not persuasive. A prior art reference must be considered in its entirety, i.e., as a whole. W.L. Gore & Associates, Inc. v. Garlock, Inc., 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984). Therefore, the laminate of Cohen also includes a method of making such a laminate, and therefore may be relied upon for such teachings.

27. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., use in vehicle constructions for design of truck superstructures) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

28. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KIMBERLY K. MCCLELLAND whose telephone number

is (571)272-2372. The examiner can normally be reached on 8:00 a.m.-5 p.m. Mon-Thr.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Philip C. Tucker can be reached on (571)272-1095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kimberly K McClelland/
Examiner, Art Unit 1791

KKM

/Philip C Tucker/
Supervisory Patent Examiner, Art Unit 1791